



TOWN OF WESTBOROUGH MASSACHUSETTS

BOARD OF HEALTH

TOWN HALL
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Board of Health Meeting Minutes March 21, 2023

The Board of Health held a meeting at 5:30 p.m., Tuesday, March 21, 2023 at the Upstairs Memorial Hall at 34 W. Main Street, Westborough, MA.

Board of Health: Chair Ehrlich, Member Walsh, Member Mahr, Director Sullivan, Sanitarian Gauthier and Health Inspector Goncalves

Audience – Dominic Caprioli – Resident Crownridge Rd, Bobby Patel – OM Shell 27 East Main Street Owner

Chair Ehrlich called the meeting to order at 5:34 p.m.

Public Comments Discussion

- Chair Ehrlich opened discussion by summarizing a notice sent by Town Manager, Kristi Williams, regarding public comments. The notice highlighted the ruling of the Barron v. Kolenda case, in which the Supreme Judicial Court ruled the defendant, Southborough, MA's, policy regarding meeting participation to be unconstitutional. As protected by the First Amendment, it is unlawful to sensor ones freedom of speech, therefore limiting forum to polite and courteous comments only is not prohibited.
- Member Walsh proposed implementing general guidelines for public comments, such as a time limit or limit on number of times an individual can speak on a particular topic.
- Chair Ehrlich noted that it might be best to not overcomplicate things and instead reserve the right to implement such guidelines for controversial hearings, thus encouraging the public to participate.
- Member Walsh and Chair Ehrlich recounted past COVID-19 hearings and deliberated what to do in case of a mass health emergency or likewise.
- Member Mahr reiterated the importance of encouraging the public to engage in meetings.
- Director Sullivan added that the point of the notice was to highlight the fact that participants may comment however they see fit - it is not the job of the Board to dictate the manner in which their opinion is expressed.
- Resident, Dominic Caprioli of Crownridge Rd, spoke briefly to clarify when he would be able to voice his concerns. The Board assured him that he would be able to raise his hand to comment at any time whilst the topic of his concern was being discussed.

Sapporo Update

- Director Sullivan spoke in the absence of Health Inspector Goncalves, noting that business consultant, Budd Konn, has continued to inspect the establishment on a regular basis and speaks highly of Sapporo Owner, Mike Li's progress and attitude.
- Director Sullivan added that there is still an issue with the docking area, however the Health Department is aware of it at this time.
- Concern about the Frialator was expressed.
- Member Mahr highlighted the ratio of number of issues and frequency of inspection, noting that this

raises some concern.

- Director Sullivan clarified that the Health Department is watching Sapporo more attentively at this time due to their current status, so they are holding them accountable for even the smallest violations.
- Member Mahr inquired about fruit fly issue. Director Sullivan and Sanitarian Gauthier noted that fruit flies are consistent with the time of year. Mr. Li was walked through the proper way to minimize the issues at hand.
- Member Mahr continued with concern about rice. Director Sullivan explained that the rice was not thrown away, however this issue has been addressed and corrected.
- Board would like to invite Mr. Li to next BOH meeting.

King Smoke Shop

- Chair Ehrlich provided summary of tobacco violations.
- Representative from King Smoke Shop was not present.
- Member Walsh clarified timeline and questioned why this was their first violation. Director Sullivan explained that they had previously received a warning from the Tobacco Coalition.
- Member Walsh concluded that the establishment had received the cease/ desist, and paid the fine, so no further action would be needed. Hearing closed at 5:54 p.m.

OM Shell

- Bobby Patel, representative from OM Shell at 27 East Main Street, provided brief introduction and requested that the board reevaluate penalties.
- Member Walsh explained that some fines are state mandated.
- Mr. Patel noted that they had purchased the business in November on 2022, arguing that the previous violations predated his ownership.
- Sanitarian Gauthier pulled the permit for OM Shell. Director Sullivan was able to confirm the issue date, clarifying that the original violation predates the change in ownership, making this the establishment's first violation.
- Member Walsh motioned to waive suspension online and keep the fine, issuing first violation warning.
- Chair Ehrlich seconded the motion. All in favor, motion passed **3-0**.

Waste Management Exploratory Committee

- Chair Ehrlich provided an update on plans to be brought select board, ideally next month, touching upon RFP, bulky item removal and bidding.
- Waste Connections will keep brush pile open, however they have been clear that no other residential services will be provided.
- Director Sullivan noted that she spoke with state representative, Irene Congdon, and has concluded that a new local transfer station is not feasible in the time allotted.
- Member Walsh raised questions about brush pile entrances, wondering if bulky or mercury item shed should be implementing on that side. Sanitarian Gauthier noted that there would be an issue with monitoring this location. This raised concern about individuals dumping trash at brush pile, as well.
- Director Sullivan noted cost associated with brush pile fees – noting this would cost approximately 8k per month. This is to be discussed further.
- Mr. Caprioli spoke to Board about his concerns with disposing of a range of things beyond typical household waste, using an old lawn mower as an example. Chair Ehrlich clarified that the committee is looking into finding solutions for all types of waste, including larger appliances and metal objects, mattresses, household waste, etc.
- Member Mahr noted concern with mattress disposal, noting that Harvey's currently charges \$150 per mattress. Member Walsh followed by highlighting that the fine for illegal dumping is not steep enough to discourage people from disposing of mattresses illegally.
- The Board will look into what can be done and will discuss further at next BOH meeting.

E.L. Harvey & Son's / Waste Connections Contract

- Director Sullivan prefaced change in cost per tonnage to \$85 effective July 1, 2023 and push to negotiate

further. E.L. Harvey & Son's agreed to a month-to-month contract for the remainder of 2023 through June 2024, which would allow Westborough to terminate contract if waste removal solution comes to fruition prior to June 2024.

- Director Sullivan suggested finding a way to shine more light on how much negotiation is being done on behalf of the Westborough residents.
- Chair Ehrlich noted that it would be wise to run numbers on oil prices since they have come down since rates were set.
- Director Sullivan noted that Town Manager Williams has requested town council to look over the new contract when the time comes, since so many changes are being made.
- The Board appointed Member Walsh to work with Director Sullivan on the new contract and will provide update at next BOH meeting.

Transfer Sticker Reduction

- Director Sullivan provided context on pricing and timeline, noting that fee for transfer sticker will remain as is through June 30, 2023. As of July 1, 2023, the price will reduce by 50%. The Board discussed refunds and credit options if contract does not reach full term of June 2024.

Member Walsh motioned to drop price of transfer station sticker by 50% starting July 1, 2023. Chair Ehrlich seconded the motion. All in favor, motion passed **3-0**.

Dry-Labing Discussion

- Sanitarian Gauthier explained dry-labing to be the action of filling out paperwork and logs in advance, noting that some local businesses were falsifying information in such manner.
- During the previous BOH meeting, Member Walsh suggested Sanitarian Gauthier look into the board's policy on handling these instances. Sanitarian Gauthier noted that there is currently no regulation in place and that typical practice is to inform the board when instances arise.
- Member Walsh expressed his opinion that a violation regulation should be implemented.
- Chair Ehrlich suggested that Sanitarian Gauthier draft a policy to present at next BOH meeting.

Director's Report

- Director Sullivan and Member Walsh spoke of their disappointment in the Community Health Assessment, as it did not highlight Westborough's results individually. Director Sullivan requested the individual town information, however they did not provide it.
 - Member Walsh inquired about obtaining this information, wondering if it could be requested and obtained in a reasonable manner.
 - It was noted that extensive effort that was put into providing and submitting the information, so not getting the desired outline was a letdown.
- Director Sullivan announced that May 11th will mark the end of the COVID-19 State of Emergency.
 - The department is asking residents to respond to the MA Health Benefits notice.
 - Director Sullivan added that the department will no longer be receiving the COVID-19 vaccines after the fall of 2023. The department will also no longer receive COVID-19 test kits; however, there is currently a large supply in office.
 - Member Mahr added that COVID-19 PCR tests will no longer be covered by insurance in many instances.
- Director Sullivan highlighted the Town News Letter and what information the BOH has provided for it. Member Mahr asked if this information can be promoted on website.

Member Walsh motioned to accept the Director's Report. Member Mahr seconded the motion, all in favor, motion passed. **3-0**.

Sanitarian's Report

- Sanitarian Gauthier and Director Sullivan detailed the closing of Mawahouse, noting that Director Sullivan was called to the location by the fire and building departments. Due to the condition of the establishment, Mawahouse was closed with both of the previously mentioned departments present.
 - Director Sullivan required them to provide pest control and cleaning services.
 - Sanitarian Gauthier reopened the establishment on March 21 with fire and building present. He

noted that they currently meet all necessary standards and will continue to send their pest control records to the health dept.

- Member Walsh suggested putting them on probation.
- Director Sullivan noted that Mawahouse and Dharani have the same ownership. Dharani has been closed for 18 months and has had continuous health violations.
- Health Inspector Goncalves and Sanitarian Gauthier provided context of their experiences at said location.
- Sanitarian Gauthier noted that Spectrum House services multiple locations. He stated that they had issues with the heat of the dishwasher and remedied the situation by handwashing dishes. Sanitarian Gauthier also highlighted that the establishment did not have paper towels, that the ice machine was dirty, and the handsink did not pass inspection.
- Questions about the Food Authority Warehouse on Flanders Rd arose. Sanitarian Gauthier vouched for how they handle food shipments.

Member Walsh motioned to accept the Sanitarian's Report. Chair Ehrlich seconded the motion, all in favor, motion passed. **3-0.**

Health Inspector's Report

- Health Inspector Goncalves explained cross contamination complaint about Jersey Mikes. Health Inspector Goncalves went to location and spoke with management. They were responsive and willing to adjust practices.
- Member Walsh inquired about Paradise Biryani Pointe, wondering if they reopened.
 - Sanitarian Gauthier inspected the location. Director Sullivan was called to location - the plumber was present.
 - Sanitarian Gauthier noted that the handsinks were too hot, but this was corrected.
 - The establishment has since been reopened.

Member Walsh motioned to accept the Health Inspector's Report. Chair Ehrlich seconded the motion, all in favor, motion passed. **3-0.**

Director's Issues

- Director Sullivan mentioned that Hazardous Waste Day is scheduled to be article 8 at Town Meeting on Saturday 3/25 for those interested in attending.
- Director Sullivan briefly summarized the Hazardous Waste Day held on March 18, 2023. She reported that there were 104 cars total. Some cars waited longer than anticipated, however she spoke to each car and explained the delay.

Member Mahr moved to accept the February 14, 2023 minutes. Member Walsh second the motion. All in favor, motion passed **3-0.**

Next BOH meeting will be held April 11, 2023.

Member Walsh moved to adjourn at 7:06 p.m. Chair Ehrlich second the motion. All in favor, motion passed **3-0.**